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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/496,549      | 02/02/2000  | GEORGE KING          | 96P7613US03         | 5563             |

7590 03/16/2006  
Siemens Corporation  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

| EXAMINER |
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QURESHI, AFSAR M

| ART UNIT | PAPER NUMBER |
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2667

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/496,549

**Applicant(s)**

KING, GEORGE

**Examiner**

Afsar M. Qureshi

**Art Unit**

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32,37-39 and 41-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32,37-39 and 41-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This action is responsive to amendment received on 12/21/2005. Claims 33-36 and 40 are cancelled, claims 32, 37-39, 41-47 remain in the application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 32, 37-39 and 41-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over McHale (US 5,558,857).

Claims 32, 37-39. McHale discloses method and apparatus to carry out the method for routing a digital data call on a subscriber line (see figure 1) received at a splitter 50 (one of, *remote line termination unit, a digital line unit, a remote data terminal, a subscriber line interface circuit, or a digital subscriber line module*) in a central office 14. The digital data is sent to router 60 via data line 54 that is *external to the switch 56* (see col. 2, lines 22-36).

McHale further discloses a method step for assigning a logical identifier to the digital data call associated with the subscriber line (see col. 12, lines 42-54).

It is readily understood by an artisan, in the same field of endeavor, that in order to assign a logical identifier to the digital call from a subscriber it is necessary to assign an address for the call to reach its destination and then associate this call with the subscriber line. Without associating the call with a particular port or subscriber line the call cannot be routed, e.g., if a call is forwarded from a network 64 and to be routed to subscriber 12 (as shown in figure 1 – McHale) it is necessary that the call is to be associated to a port or subscriber line coupled to subscriber 12 (**claims 37 and 39**).

Claims 41-47. In addition to the limitations above, McHale further discloses using XDSL communication protocol wherein communication server 58 is capable to convert digital data call to a digital data stream, as claimed herein (see col. 7, lines 1-8, 28-40 and col. 11, lines 51-61, also see explanation of figure 5).

Routing a digital data call to a destination bypassing a switch, or without using the internal equipment, is known and old and is used by COX industry in an Internet environment. The motivation is to provide digital data service to selected telephone subscriber over telephone lines at a reduced cost as desired by McHale (see col. 1, lines 28-36).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**White et al.** (US 6,069,890) describe method that permits a caller to set-up and carry out a telephone call over the Internet from telephone station to telephone station without access to computer equipment wherein calls may be made inter or intra LATA.

**Jonas et al.** (US 6,137,792) describe method of transmitting data packets over the by-pass circuit switched telephone network by establishing a connection to the destination router via the by-pass circuit switched telephone network.

### ***Response to Arguments***

4. The Farris reference has been withdrawn from the Office action, mailed October 5, 2005. No arguments were presented in reference to McHale.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



3/13/2006

**AFSAR QURESHI**  
**PRIMARY EXAMINER**